

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 06 CR 50067
)	Judge Philip G. Reinhard
JONATHAN GEAR)	

**UNITED STATES' MOTION PURSUANT TO SENTENCING GUIDELINE SECTION
5K1.1**

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, moves this court pursuant to United States Sentencing Guideline § 5K1.1 to depart downwards from the Sentencing Guidelines in this case.

1. On November 16, 2007, defendant pled guilty to the indictment charging him with being a felon in possession of a firearm. In paragraph 14 of the Plea Agreement, assuming defendant's full and truthful cooperation, the United States agreed to move the court to depart from the Sentencing Guidelines and to impose a sentence of seventy-five (75) percent of the low-end of the applicable sentencing guideline range. The sentencing guideline range applicable to defendant is 57 to 71 months of imprisonment.

2. Pursuant to U.S.S.G. § 5K1.1, upon motion of the government which is based upon the substantial assistance of the defendant, the court may depart downwards from the Sentencing Guideline range. Accordingly, the United States now makes such a motion.

3. Defendant provided the United States with a proffer of his testimony. The information in this proffer led to the arrests and prosecutions of Carlos Roman and Rodrigo Roman. Carlos Roman is currently being prosecuted by the Winnebago County State's Attorneys Office in case number 06 CF 4382 for the offenses of violation of the Illinois Controlled Substances Act, unlawful

possession of a weapon by a felon and possession of a stolen firearm. Carlos Roman's case is scheduled for jury trial on January 8, 2008 in courtroom 478 of the Winnebago County Courthouse. Rodrigo Roman is currently being prosecuted by the Winnebago County State's Attorneys Office in case numbers 06 CF 4388 and 4390 for the offenses of aggravated battery with a firearm, unlawful possession of a weapon by a felon and theft. Rodrigo Roman is scheduled to enter into a plea agreement in these cases on December 13, 2007.

4. The government submits that defendant has given substantial assistance to the United States in the investigation and prosecution of other individuals.

WHEREFORE, the United States moves that this court depart from the applicable sentencing guideline range and impose a sentence of seventy-five (75) percent of the low-end of the applicable sentencing guideline range.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: _____\s
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CERTIFICATE OF FILING AND SERVICE

I, MARK T. KARNER, certify that on December 13, 2007, I caused the foregoing United States' Motion Pursuant to Guideline Section 5K1.1: (1) to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Western Division; and (2) a copy hand delivered to the District Court.

_____\s
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